

Message Text

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PAGE 01 TEGUCI 01834 01 OF 02 022049Z

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ACTION ARA-20

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USIE-00 NSCE-00 INRE-00 SSO-00 DRC-01 /160 W

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O R 021935Z MAY 74

FM AMEMBASSY TEGUCIGALPA

TO SECSTATE WASHDC IMMEDIATE 6976

INFO AMEMBASSY BOGOTA

AMEMBASSY GUATEMALA

AMCONSUL GUAYAQUIL

AMEMBASSY MANAGUA

AMEMBASSY PANAMA

AMEMBASSY QUITO

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

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GUATEMALA FOR ROCAP

STR FOR EBERLE

ARA/LA FOR SZABO

E.O. 11652: N/A

TAGS: PFOR, ETRD, HO

SUBJECT: MTN DELEGATION BILATERAL DISCUSSIONS: HONDURAS AND
BANANAS -- PART 1 OF 4, UPEB DRAFT AGREEMENT

REF: TEGUCIGALPA 1827

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PAGE 02 TEGUCI 01834 01 OF 02 022049Z

SUMMARY: MINECON BENNATON IN MAY 1 BILATERAL DISCUSSION

WITH AMBASSADOR EBERLE PROMISED DRAFT OF AGREEMENT WHICH WOULD CREATE THE UNION OF BANANA EXPORTING COUNTRIES. THE FOLLOWING IS AN UNOFFICIAL TRANSLATION OF THE DRAFT. THE DRAFT IS TO BE BASIS FOR FURTHER DISCUSSIONS BETWEEN A U.D. DELEGATION AND SEVERAL OF THE BANANA EXPORTING COUNTRIES. ARRANGEMENTS FOR THIS NEW MEETING ARE IN PREPARATION. END SUMMARY.

1. BEGIN UNOFFICIAL TRANSLATION.

GUATEMALA, APRIL 5, 1974

DRAFT OF AGREEMENT THAT CREATES THE UNION OF BANANA EXPORTING COUNTRIES (UPEB)

(VERSION AT THE COMPLETION OF THE SECOND MEETING OF BANANA EXPORTING COUNTRIES, MINISTERIAL LEVEL)

BOGOTA, COLOMBIA, MARCH 28 TO MARCH 30, 1974

2. INDEX: CREATION AND OBJECTIVES, MEMBERS, THE CONFERENCE OF MINISTERS, THE COUNCIL, THE EXECUTIVE DIRECTOR, EXTERNAL AUDITING OFFICE, JURIDICAL PERSONALITY AND PRIVILEGES AND IMMUNITIES, COOPERATION, FINANCIAL DISPOSITIONS, OTHER OBLIGATIONS OF MEMBER STATES, CONTROVERSIES, FINAL DISPOSITIONS, AND TRANSITORY DISPOSITIONS.

3. CHAPTER ONE: CREATION AND OBJECTIVES

ARTICLE 1

TO CONSTITUTE THE UNION OF BANANA EXPORTING COUNTRIES FROM HERE ON DESIGNATED UPEB AS AN INTERNATIONAL ORGANIZATION OF PERMANENT AND INTERGOVERNMENTAL CHARACTER.

4. ARTICLE 2

THE FUNDAMENTAL OBJECTIVES OF THE UPEB ARE:

A. TO ESTABLISH AND TO DEFEND REMUNERATIVE AND JUST PRICES OF SALE FOR BANANAS PRODUCED AND EXPORTED BY THE MEMBER COUNTRIES.

B. TO PROMOTE THE ADOPTION OF COMMON POLICIES AND DESIGN LIMITED OFFICIAL USE

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PAGE 03 TEGUCI 01834 01 OF 02 022049Z

THE MECHANISMS FOR THEIR EXECUTION, WITH THE OBJECTIVE OF ESTABLISHING RATIONAL PRODUCTION, EXPORTATION, TRANSPORT, MARKETING AND PRICES OF BANANAS PRODUCED BY THE MEMBER COUNTRIES.

C. TO CARRY ON AND TO COORDINATE THE ACTIONS TO INCREASE THE MARKETS AND PROMOTE THE CONSUMPTION OF BANANAS.

D. TO ADOPT THE MEANS NECESSARY TO RE-ESTABLISH THE BALANCE BY THE SUPPLY AND DEMAND OF BANANAS AT REMUNERATIVE PRICES WHEN THE SITUATION OF THE MARKET SO REQUIRES.

E. TO DEVELOP AMONG THE MEMBERS TECHNICAL COOPERATION, INTERCHANGE AND SPREAD OF NEW TECHNOLOGY RELATED TO THE CULTIVATION, PROCESSING, MARKETING, TRANSPORT AND INDUSTRIALIZATION OF BANANAS.

F. TO PROMOTE THE INDUSTRIALIZATION OF THE BANANA PLANT AND ITS FRUIT AS WELL AS ITS MARKETING, IN THE BEST CONDITIONS OF PRICE, FOR ITS PRODUCTS AND DERIVATIVES.

G. TO DESIGN AND PROMOTE THE ADOPTION OF MEANS TO PROTECT THE PARTICIPATION OF EACH OF THE MEMBER COUNTRIES IN THE INTERNATIONAL MARKET FOR BANANAS.

H. TO PROMOTE, WHEN NECESSARY, THE ADOPTION OF DIVERSIFICATION PLANS IN THE CULTIVATION OF BANANAS.

I. TO STIMULATE INTERNATIONAL COLLABORATION IN EVERYTHING RELATED TO THE PRESENT AGREEMENT.

5. CHAPTER 3: MEMBERS

ARTICLE 3

THE SIGNATORY COUNTRIES OF THE PRESENT INSTRUMENT WILL BE MEMBERS OF THE UPEB WHEN THEY PUT INTO EFFECT THEIR AGREEMENT WITH THE DISPOSITIONS CONTAINED IN ARTICLES 27 AND 28 OF THIS AGREEMENT.

6. ANY OTHER SOVEREIGN STATES MAY BECOME MEMBERS WHO ARE LIMITED OFFICIAL USE

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PAGE 04 TEGUCI 01834 01 OF 02 022049Z

PRODUCERS AND EXPORTERS OF BANANAS IF THEY SHOW THEIR INTEREST IN JOINING UPEB AND ADHERE TO THIS AGREEMENT AND ITS PERTINENT ARTICLES.

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PAGE 01 TEGUCI 01834 02 OF 02 022054Z

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7. IT IS MEANT BY BANANA EXPORTING COUNTRIES THOSE WHICH ARE
NET EXPORTERS OF THE FRUIT, THAT IS, WHOSE EXPORTATION IS
GREATER THAN THEIR IMPORTATION.

8. CHAPTER 3: ORGANIZATION

ARTICLE 4

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PAGE 02 TEGUCI 01834 02 OF 02 022054Z

THE ORGANS OF THE UPEB ARE:

- A. THE CONFERENCE OF MINISTERS;
- B. THE COUNCIL; AND,
- C. THE EXECUTIVE MENAGEMENT.

9. FIRST SECTION : THE CONFERENCE OF MINISTERS

ARTICLE 5

THE CONFERENCE OF MINISTERS IS THE MAXIMUM AUTHORITY OF THE UPEB AND WILL BE COMPOSED OF THE MINISTERS OR SECRETARIES OF STATE THAT EACH COUNTRY DESIGNATES. THESE OFFICIALS MAY BE ACCOMPANIED TO THE MEETINGS BY SUCH EXPORTS OR ADVISORS THAT THEY CONSIDER CONVENIENT.

10. ARTICLE 6

IT IS THE RESPONSIBILITY OF THE CONFERENCE OF MINISTERS:

A. TO FORMULATE THE GENERAL POLICY LINES OF THE UPEB.

B. TO EVALUATE THE FUNCTIONING OF THE UPEB AND THE COMPLIANCE WITH ITS OBJECTIVES.

C. TO APPROVE AND TO PROPOSE TO THE MEMBER COUNTRIES ANY AMENDMENTS TO THIS AGREEMENT.

D. TO KNOW AND TO RESOLVE, UPON REQUEST OF ANY MEMBER COUNTRY, THE CASES WHICH THE COUNTRY CONSIDERS HAVE BEEN GRAVELY AFFECTED BY A DECISION OF THE COUNCIL IN ANY MATERIAL RELATED WITH:

I. THE REGULATION OF SUPPLY AND DEMAND.

II. THE DETERMINATION OF PRICES.

III. THE CONTRIBUTIONS TO THE ORGANIZATION.

11. THE CONFERENCE WILL ALWAYS ATTEMPT TO ADOPT DECISIONS BY CONSENSUS. IF IN SPITE OF THIS IT SHOULD NOT BE POSSIBLE, THE CONFERENCE WILL RESOLVE THE CASE WITH AN AFFIRMATIVE VOTE LIMITED OFFICIAL USE

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PAGE 03 TEGUCI 01834 02 OF 02 022054Z

OF 3/4 OF THE MEMBER COUNTRIES.

12. ARTICLE 7

THE CONFERENCE OF MINISTERS WILL ORDINARILY MEET ONCE A YEAR; BUT CAN CALL EXTRAORDINARY MEETINGS UPON PETITION OF ANY MEMBER COUNTRY OF THE COUNCIL.

13. THE MEETINGS WILL BE HELD AT THE HEADQUARTERS OF THE UPEB UNLESS THE MINISTERS DECIDE OTHERWISE IN ACCORDANCE WITH THE PERTINENT REGULATION.

14. THE REGULATION WILL DETERMINE THE TIME AND FORM IN

WHICH THE CONVOCAION OF ORDINARY AND EXTRAORDINARY MEETINGS
SHOULD BE HELD.

15. THE CONFERENCE WILL ELECT A PRESIDENT AND A VICE-PRESIDENT
FROM AMONG ITS MEMBERS IN EACH GATHERING.

16. DURING THE PERIOD OF HIS INCUMBENCY THE PRESIDENT OR THE
PERSON WHO PERFORMS THIS FUNCTION SHALL NOT VOTE OR EXPRESS THE
POSITION OF HIS COUNTRY. THIS FUNCTION WILL BE DESIGNATED TO THE
ALTERNATE CHIEF OF THE DELEGATION, AT LEAST IN INFORMAL MEETINGS.

17. ARTICLE 8.

A QUORUM WILL BE 3/4 OF THE MEMBERS OF THE MINISTERIAL
CONFERENCE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, EXPORTS, TRADE, MEETINGS, BANANAS, MEETING DELEGATIONS, AMBASSADORS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974TEGUCI01834
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740105-0898
From: TEGUCIGALPA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740578/aaaacsgr.tel
Line Count: 293
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: TEGUCIGALPA 1827
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 09 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 SEP 2002 by cunninfx>; APPROVED <13 JAN 2003 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: MTN DELEGATION BILATERAL DISCUSSIONS: HONDURAS AND BANANAS -- PART 1 OF 4, UPEB DRAFT AGREEMENT
TAGS: PFOR, ETRD, HO, US, UPEB, (BENNATON), (EBERLE)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005